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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,478	03/13/2001	Makoto Suzuki	1614.1135	8768

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EXAMINER

JAMAL, ALEXANDER

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/804,478

Applicant(s)

SUZUKI, MAKOTO

Examiner

Alexander Jamal

Art Unit

2643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 1-05-2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-6,15-19 and 21-26.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see examiner's response to applicant's arguments

Response to Arguments

1. Applicant's arguments filed 1-5-2005 have been fully considered but they are not persuasive.

As per applicant's arguments regarding the Walsh (5642410) reference not disclosing 'managing functions of the apparatus' in a manner linked to "a plurality of using situations of the apparatus" of claims 1,6,18,19 (remarks page 6), or the 'switch' used to set the mode of the apparatus. Examiner reads the apparatus as the complete phone/computer device of Walsh Fig. 1. The computer portion of the apparatus will manage functions and information (perform in a certain 'mode') based upon various triggers. These triggers may include any aspect of a phone call (note the state machine in WALSH: Col 12 lines 10-50). The phone call may be made by the user of the apparatus (WALSH Col 9 lines 7-12). In such a case the act of dialing a number (via the phone portion of the apparatus) or 'keying in' touchtones comprises a switch by which the user may set the 'mode' of the computer portion of the apparatus.

As per applicant's arguments (remarks page 7) regarding the Walsh reference disclosing the detection of the mode based upon mode information. Examiner reads 'mode information' as any input (such as the telephone triggers for example) that are used to set the 'mode' of the device.

As per applicant's argument regarding claim 3 (remarks pages 7-8). In Walsh's terminal the accounting destination is dependant upon which mode has been triggered by the caller. The example shown disclosed (Col 7 lines 35-55) describes the accounting (for example: storing and using the caller's number) used in both a business and private

mode. The 'accounting' of the system is the use of information received or transmitted via the telephone with the software programs of the computer, depending upon the 'mode' of the device.

As per the arguments concerning the use of the Bijman (6047062) reference to reject claims 5 and 17 (remarks page 8), Bijman teaches a method of automatically updating information stored in a database used in a telephone system (speed dialing system). Bijman teaches the advantage of saving the user the trouble of manually updating the database (Col 1 lines 14-30) by having the phone system automatically add data (a new phone number) to the database. Walsh's apparatus comprises a telephone system. When the telephone system makes or receives a call, the call information (WALSH Col 7 lines 15-35) is utilized with the mode-based computer database portion of the apparatus. Walsh's device (comprising the telephone system) in view of Bijman's teachings comprise a mode-based system that automatically adds call data (which is used in the database depending on the mode (WALSH: Col 7 lines 26-29)) to the database.

As per the arguments regarding the rejection claims 21-26 with the Shaffer et al (6477374) reference, the examiner contends that the Shaffer reference pertains to a telecommunications system (device) that may enter a different 'mode' by performing different functions based upon the time or location. When combined with the Walsh's apparatus (which also comprises a telecommunications system), the time and location become additional triggers. Examiner notes that Walsh (Col 9 lines 10-15) does disclose the use of the time of day as a trigger to set the mode of the device, and examiner

Art Unit: 2643

contends there is motivation (as specified in the previous office action) to add the additional time-location trigger taught by Shaffer to Walsh's apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
January 26, 2005


CURTIS KUNTZ
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